

APA-1
Revised 4/2018

TRANSMITTAL SHEET FOR
NOTICE OF INTENDED ACTION

Control 540 Department or Agency Alabama State Board of Medical Examiners
Rule No. 540-X-12-.02
Rule Title: General Requirements

 New X Amend Repeal Adopt by Reference

Would the absence of the proposed rule significantly harm or endanger the public health, welfare, or safety? NO

Is there a reasonable relationship between the state's police power and the protection of the public health, safety, or welfare? YES

Is there another, less restrictive method of regulation available that could adequately protect the public? NO

Does the proposed rule have the effect of directly or indirectly increasing the costs of any goods or services involved and, if so, to what degree? NO

Is the increase in cost, if any, more harmful to the public than the harm that might result from the absence of the proposed rule? NO

Are all facets of the rulemaking process designed solely for the purpose of, and so they have, as their primary effect, the protection of the public? YES

Does the proposed action relate to or affect in any manner any litigation which the agency is a party to concerning the subject matter of the proposed rule? NO

Does the proposed rule have an economic impact? NO

If the proposed rule has an economic impact, the proposed rule is required to be accompanied by a fiscal note prepared in accordance with subsection (f) of Section 41-22-23, Code of Alabama 1975.

Certification of Authorized Official

I certify that the attached proposed rule has been proposed in full compliance with the requirements of Chapter 22, Title 41, Code of Alabama 1975, and that it conforms to all applicable filing requirements of the Administrative Procedure Division of the Legislative Services Agency.

Signature of certifying officer 

Date: August 21, 2023

REC'D & FILED

AUG 22 2023

LEGISLATIVE SVC AGENCY

ALABAMA STATE BOARD OF MEDICAL EXAMINERS

NOTICE OF INTENDED ACTION

AGENCY NAME: Alabama Board of Medical Examiners

RULE NO. & TITLE: 540-X-12-.02, General Requirements


INTENDED ACTION: Amend the rule

SUBSTANCE OF PROPOSED ACTION: Add a provision that a physician assistant who applies for a Qualified Alabama Controlled Substances Certificate must provide their Alabama-specific Drug Enforcement Administration (DEA) registration number and a copy of the DEA registration certificate and remove references to physician assistant dispensing.

TIME, PLACE, MANNER OF PRESENTING VIEWS: All interested persons may submit data, views, or arguments concerning the proposed new rule(s) and regulation(s) in writing to: Carla Kruger, Office of the General Counsel, Alabama State Board of Medical Examiners, Post Office Box 946, Montgomery, Alabama 36101-0946, by mail or email (bme@albme.gov), until and including Oct. 5, 2023. Persons wishing to submit data, views, or comments in person should contact Carla Kruger by telephone (334-242-4116) during the comment period. Copies of proposed rules may be obtained at the Board's website, www.albme.gov.

FINAL DATE FOR COMMENT AND COMPLETION OF NOTICE: Oct. 5, 2023

CONTACT PERSON AT AGENCY: Carla Kruger


(Signature of officer authorized
to promulgate and adopt
rules or his or her deputy)

540-X-12-.02 General Requirements.

- (1) The Board is the certifying board which may issue to and renew, deny, restrict, limit, suspend, or revoke a QACSC of an assistant to physician.
- (2) Beginning the calendar year 2010, QACSCs may be issued by the Board to Physician Assistants (P.A.s).
- (3) Although the Board recognizes two categories of assistants to physicians, only a person licensed and registered by the Board as a Physician Assistant (P.A.) may be issued a QACSC.
- (4) A P.A. who prescribes, administers, or authorizes for administration ~~or dispenses~~ any controlled substance within Alabama or who proposes to engage in the prescribing, administering, or authorizing for administration ~~or dispensing~~ of any controlled substance within Alabama shall obtain, annually, a QACSC for each registration of the P.A. by the Board to perform medical services under the supervision of a physician.
- (5) A P.A. who prescribes, administers, or authorizes for administration ~~or dispenses~~, or who proposes to engage in the prescribing, administering, or authorizing for administration ~~or dispensing~~ of any controlled substance within Alabama shall obtain the appropriate registration or registrations issued by the United States Drug Enforcement Administration.
- (6) A P.A. who applies for a Qualified Alabama Controlled Substances Certificate shall provide the Board with the DEA registration number authorizing his or her prescribing of controlled substances in Alabama at the time of application, or, if no such registration has been issued, shall provide the Board with the DEA registration

number as soon as it is issued. Each P.A. who is issued a Qualified Alabama Controlled Substances Certificate shall provide a copy of the DEA registration certificate to the Board immediately upon renewal of the registration.

(67) The Board of Medical Examiners may decline to consider an application when the P.A. or the supervising physician is under investigation for a potential violation of the Code of Ala 1975, Sections 20-2-50~~1~~, *et. seq.*, or 34-24-50, *et. seq.*, or any rule of the Alabama Board of Medical Examiners or Medical Licensure Commission of Alabama.

Author: Alabama Board of Medical Examiners

Statutory Authority: Code of Alabama § 20-2-60, *et. seq.*, Act 2009-489

History: Approved for publication: November 18, 2009. Effective Date: March 24, 2010. Amended/Approved October 20, 2022. Certified Rule Filed December 20, 2022. Effective Date: February 13, 2023.